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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Klaas NAUTA, et al.

Serial No.: 10/823,978

Group No.: 1734

Filed: April 14, 2004

Examiner: M. Oscele

For: **SPLICING UNIT FOR SPLICING STRIPS OF CORDS EMBEDDED IN
RUBBER MATERIAL TO EACH OTHER**

Attorney Docket No.: U 015133-0

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450Attention: Douglas J. Wood
Senior Petitions Attorney
Office of Petitions

RENEWED REQUEST TO WITHDRAW HOLDING OF ABANDONMENT
and
REPLY TO DECISION ON PETITION

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

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SignatureDate: September 12, 2006William R. Evans

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The decision ON PETITION of September 6, 2006, that "The only proper reply to a final Office action is a Notice of Appeal Request for Continuing Examination continuing application, or an amendment placing the application in prima facie condition for allowance," presupposes a proper final Action. An improper final Action, as here, can receive a request to withdraw the finality, as here, and the abandonment thereby.

In this case, claim 2 (as part of claim 1) received a final first Action rejection from a Canadian reference of record in the actual first Action. The applicant has had only one chance to consider such rejection, and once is not enough for abandonment.

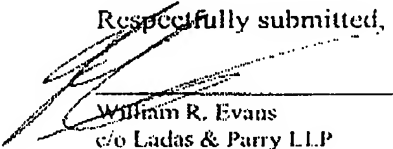
If the decision were correct, a final Action signed by an Examiner without authority to sign would require the applicant to appeal, re-file or concede, rather than the Patent Office to re-issue the Action.

Therefore, the decision is incorrect.

Alternatively, the decision is incorrect because the applicant has never received a decision on its request for a new Action. The applicant timely filed a request and, therefore, is entitled to an answer. If the answer maintains the finality, the application is abandoned (albeit it unintentionally, since the applicant was waiting for an answer), but if the answer is the withdrawal of finality requested, the application is not abandoned, because a new action will have issued thereby.

Therefore, the holding of abandonment should be withdrawn in favor of the new action previously requested.

Respectfully submitted,



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